

RULES AND REGULATIONS OF THE STATE BAR OF CALIFORNIA

Article I § 7

(Amended by the Board of Governors December 8, 2001)

**SECTION 7.1. LOW INCOME FEE
SCALING PLAN**

- A.** The Board of Governors hereby authorizes the scaling of annual membership fees solely with respect to active members' payments due and owing on February 1 of the year for which the fee is payable, pursuant to Business and Professions Code section 6140.
- B.** An active member who provides the State Bar with his or her most recent federal tax return Form 1040, 1040A, 1040EZ, or some other form of acceptable documentation, including but not limited to a declaration indicating income from the practice of law of at least \$25,001, but not more than \$39,999, shall have his or her annual membership fees reduced by 25%. Payment of the reduced fee under this subdivision must be included together with the required documentation and received by the State Bar on or before the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable.
- C.** An active member who provides the State Bar with his or her most recent federal tax return Form 1040, 1040A, 1040EZ, or some other form of acceptable documentation, including but not limited to a declaration under penalty of perjury, indicating income from the practice of law of less than \$25,000, shall have his or her annual membership fees reduced by 50%. Payment of the reduced fee under this subdivision must be included together with the required documentation and received by the State Bar on or before the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable.
- D.** An active member who, as of February 1 of the year for which the fee is payable, is employed on a continuous full-time basis by a "qualified legal services project" and/or "qualified support center" pursuant to Business and Professions Code section 6210 et seq., which legal services project or support center (employer) receives State Bar Legal Services Trust Fund grants, and which employer pays the member-employee's annual membership fees on the member's behalf, shall have his or her annual membership fees reduced to 75% of the active fee rate. To qualify

pursuant to this subdivision D, the member must, submit a declaration from the chief executive officer of the legal services project or support center (employer) stating under penalty of perjury that the employer (1) is a "qualified legal services project" and/or a "qualified support center" pursuant to Business and Professions Code section 6210 et seq.; (2) receives State Bar Legal Services Trust Fund grants; and (3) pays the member-employee's annual membership fees on the member's behalf. Payment of the reduced fee under this subdivision must be included together with the required declaration and received by the State Bar on or before the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable.

E. The materials and payment required to be submitted pursuant to this Section 7.1 will be considered to have been received by the State Bar on or before the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable under any of the following circumstances:

(1) The materials and payment are actually received at the

State Bar prior to the close of business on the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable.

(2) The envelope in which the materials and payment are received is a properly addressed envelope and bears a postmark of the United States Postal Service showing that it was mailed postage prepaid, not later than the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable; postage metered dates are not acceptable.

(3) The envelope in which the materials and payment were received bears no discernable postmark and was not received by the State Bar until after the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable, but the member declares under

penalty or perjury that the materials and payment were deposited in a facility maintained by the United States Postal Service, in a properly addressed envelope, postage prepaid, not later than the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable.

any late payment penalties that may be fixed by the Board of Governors should they fail to remit full payment on or before the date on which the Board of Governors determines that penalties shall attach

- G. Any member whose scaling request is denied by the secretary or designee, shall have the right to request review of that denial by the Board Committee on Administration and Finance or its designee.

- (4) Members who are billed membership fees for the first time (a.k.a. new admittees) shall have a waiver (fee reduction) documentation and payment deadline established that is eight (8) weeks from the date of their initial fee statement; this deadline shall be determined and printed on their initial fee statement.

- F. Members who timely submit the materials and payment required pursuant to this Section 7.1, but who the State Bar for any reason whatsoever determines are ineligible to participate in the Fee Scaling Plan, must submit instead their full membership dues pursuant to Business and Professions Code section 6140, according to the regular membership payment schedule. Such members shall be subject to

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STATE BAR OF CALIFORNIA¹

SECTION 7.1. LOW INCOME FEE SCALING
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- A. The Board of Governors hereby authorizes the scaling of annual membership fees solely with respect to active members' payments due and owing on February 1 of the year for which the fee is payable, pursuant to Business and Professions Code section 6140.
- B. An active member who ~~on or before February 1 of the year for which the fee is payable~~, provides the State Bar with his or her most recent federal tax return Form 1040, 1040A, 1040EZ, or some other form of acceptable documentation, including but not limited to a declaration indicating income from the practice of law of at least \$25,001, but not more than \$39,999, shall have his or her annual membership fees reduced by 25%. Payment of the reduced fee under this subdivision must be included together with the required documentation and received by the State Bar on or before the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable. ~~February 1 of the year for which the~~

~~fee is payable.~~

- C. An active member who ~~on or before February 1 of the year for which the fee is payable~~, provides the State Bar with his or her most recent federal tax return Form 1040, 1040A, 1040EZ, or some other form of acceptable documentation, including but not limited to a declaration under penalty of perjury, indicating income from the practice of law of less than \$25,000, shall have his or her annual membership fees reduced by 50%. Payment of the reduced fee under this subdivision must be included together with the required documentation and received by the State Bar on or before the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable. ~~February 1 of the year for which the fee is payable.~~
- D. An active member who, as of February 1 of the year for which the fee is payable, is employed on a continuous full-time basis by a "qualified legal services project" and/or "qualified support center" pursuant to Business and Professions Code section 6210 et seq., which legal services project or support center (employer) receives State Bar Legal Services Trust Fund grants, and which employer pays the member-employee's annual membership fees on the member's behalf, shall have his or her annual membership fees reduced to 75% of the active

¹ The proposed modifications are shown in the redlined text.

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fee rate. To qualify pursuant to this subdivision D, the member must, ~~on or before February 1 of the year for which the fee is payable,~~ submit a declaration from the chief executive officer of the legal services project or support center (employer) stating under penalty of perjury that the employer (1) is a "qualified legal services project" and/or a "qualified support center" pursuant to Business and Professions Code section 6210 et seq.; (2) receives State Bar Legal Services Trust Fund grants; and (3) pays the member-employee's annual membership fees on the member's behalf. Payment of the reduced fee under this subdivision must be included together with the required declaration and received by the State Bar on or before the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable. ~~February 1 of the year for which the fee is payable.~~

~~E. In no event shall any member who fails to submit appropriate payment and the appropriate documentation required pursuant to subdivisions B and C hereof, or the declaration required pursuant to subdivision D hereof, on or before February 1 of the year for which the fee is payable, be eligible for fee scaling pursuant to this Section 7.1, notwithstanding any deadline or penalty cutoff date that may apply to members paying full membership fees for the year in which the fee is payable.~~

~~E. F.~~ The materials and payment required to be submitted pursuant to this Section 7.1 will be considered to have been received by the State Bar on or before the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable ~~February 1 of the year for which the fee is payable.~~ under any of the following circumstances:

- (1) The materials and payment are actually received at the State Bar prior to the close of business on the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable. ~~February 1 of the year for which the fee is payable.~~
- (2) The envelope in which the materials and payment are received is a properly addressed envelope and bears a postmark of the United States Postal Service showing that it was mailed postage prepaid, not later than the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable; ~~February 1 of the year for which the fee is payable;~~

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postage metered dates are not acceptable.

deadline shall be determined and printed on their initial fee statement.

- (3) The envelope in which the materials and payment were received bears no discernable postmark and was not received by the State Bar until after the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable. ~~February 1 of the year for which the fee is payable,~~ but the member declares under penalty or perjury that the materials and payment were deposited in a facility maintained by the United States Postal Service, in a properly addressed envelope, postage prepaid, not later than the date fixed by the Board of Governors for attachment of penalties pursuant to article 1, section 8, of these rules and regulations of the year for which the fee is payable. ~~February 1 of the year for which the fee is payable.~~
- (4) Members who are billed membership fees for the first time (a.k.a. new admittees) shall have a waiver (fee reduction) documentation and payment deadline established that is eight (8) weeks from the date of their initial fee statement; this

~~F.G.~~ Members who timely submit the materials and payment required pursuant to this Section 7.1 ~~on or before February 1 of the year for which the fee is payable,~~ but who the State Bar for any reason whatsoever determines are ineligible to participate in the Fee Scaling Plan, must submit instead their full membership dues pursuant to Business and Professions Code section 6140, according to the regular membership payment schedule. Such members shall be subject to any late payment penalties that may be fixed by the Board of Governors should they fail to remit full payment on or before the date on which the Board of Governors determines that penalties shall attach

~~G.H~~ Any member whose scaling request for to a waiver of annual membership fees under this section has been ~~is~~ denied by the secretary or designee, shall have the right to request review of that denial by the Board Committee on Administration and Finance or its designee. ~~review such denial.~~